

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided.

The Examiner has rejected claims 1 and 10-31 under the judicially-created doctrine of obviousness-type double-patenting as being unpatentable over claims 1, 19-20, 28-30, 40-41 and 47-48 of commonly-assigned U.S. Patent No. 6,894,412 in view of KAWAI (JP-3-082350) or NAKAYAMA (JP-60-134752). Together with the present Response, Applicants enclose herewith a duly-executed Terminal Disclaimer fully complying with 37 C.F.R. § 1.321(c) and 37 C.F.R. § 3.73(b) and which overcomes this double-patenting rejection.

Applicants are filing the enclosed Terminal Disclaimer merely to remove any issue as to whether the claims of the above-identified application and those of U.S. Patent No. 6,894,412, in view of KAWAI (JP-3-082350) or NAKAYAMA (JP-60-134752), in any way conflict. However, neither Applicants nor the assignee intend to make any representation as to whether the invention defined by any of the claims of the application or the patent would have been obvious in view of the other or whether an obviousness-type double patenting rejection would be appropriate if the enclosed terminal disclaimer were not filed. Nor do Applicants acquiesce to the propriety of the Examiner's rejection. Applicants emphasize that the terminal disclaimer is being filed only to expedite the allowance of the pending claims. It is thus respectfully requested that the double-patenting rejection be withdrawn.

Thus, Applicants respectfully submit that each and every pending claim of the present application meets all requirements for patentability, and respectfully request that the Examiner indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the above, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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